

REMARKS

Remaining Claims

Nine (9) claims (Claims 1 and 5 – 12) remain pending in this application through this Amendment. Claim 4 has been canceled herein. As explained in more detail below, Applicants have amended the claims to more clearly point out and distinctly claim the invention, and submits that all claims are now in condition for allowance.

Rejection of Claims 1, 4, and 8 – 10 Under 35 U.S.C. §102(e) – Peyman, et al.

Claims 1, 4, and 8 – 10 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,277,146 to *Peyman, et al.*

Applicant respectfully points out that *Peyman, et al.* is not properly cited as prior art. The present application is a continuation of US Application Serial No. 09/282,476, filed March 31, 1999. The application that matured into *Peyman, et al.* was not filed until six months after the present application's priority date. Accordingly, *Peyman, et al.* is not prior art to the present application and Applicant respectfully requests that this rejection be withdrawn.

Rejection of Claims 5, 11, and 12 Under 35 U.S.C. §103(a) – Peyman, et al. in view of Kelman

Claims 5, 11, and 12 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,277,146 to *Peyman, et al.* in view of U.S. Patent No. 4,871,363 to *Kelman*.

Peyman, et al. is discussed above and is not properly cited as prior art. Applicants, therefore, respectfully request that this rejection be withdrawn.

Rejection of Claims 6 and 7 Under 35 U.S.C. §103(a) – Peyman, et al. in view of Li

Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,277,146 to *Peyman, et al.* in view of U.S. Patent No. 6,132,462 to *Li*.

Peyman, et al. is discussed above and is not properly cited as prior art. Applicants, therefore, respectfully request that this rejection be withdrawn.

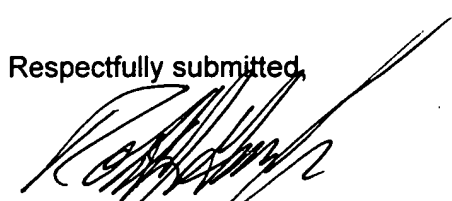
CONCLUSION

In view of the foregoing and in conclusion, Applicants submit that the 35 U.S.C. §§102 and 103 rejections and objections set-forth in the Office Action have been overcome, and that the pending claims are not anticipated or obvious over the cited art, either individually or in combination. Applicants request reconsideration and withdrawal

of the rejections set-forth in the Office Action. Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned.

Please address all correspondence to Thomas Hoxie, Novartis Corporation, Patent and Trademark Department, 564 Morris Avenue, Summit, NJ 07901. The commissioner is hereby authorized to charge any other fees with may be required under 37 C.F.R. §1.16 and 1.17, or credit any overpayment, to Deposit Account No. 09-0134.

Respectfully submitted,



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MARKED UP COPY TO SHOW CHANGES MADE

Please amend the Abstract as follows:

~~The invention is directed to a~~ A positive power anterior chamber ocular implant for placement in a phakic eye is disclosed to correct refractive errors caused by hyperopia which includes at least one convex surface and ~~means~~ haptics for positioning the lens in the anterior chamber of the eye, ~~wherein contact~~ Contact between the lens and other anatomic bodies, such as the anatomical lens, the corneal endothelium and iris is avoided, and ~~wherein the means for positioning avoids~~ the haptics avoid contact with the iris. ~~The invention is further directed to a method of preparing such an implant and a method of correcting refractive errors caused by hyperopia in a patient in need thereof comprising surgically implanting and anchoring in the anterior chamber of a phakic eye a positive power anterior chamber ocular implant comprising a positive artificial refracting lens having at least one convex surface and a means for positioning the lens in the anterior chamber of the eye, wherein contact between the positive refracting lens and other anatomical bodies is avoided and wherein the means for positioning the lens avoids contact with the iris.~~